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**October 8, 2024**

**Via ECF**

Hon. Mary Kay Vyskocil, USDJ  
United States District Court, SDNY  
500 Pearl Street, New York, NY 10007-1312

**Re: Nieves v. NYC School Support Services, Inc.**  
**Case No. 24-CV-05783 (MKV)(SLC)**  
**Motion for Stay Pursuant to the CBA of the Parties**

Dear Judge Vyskocil:

My firm represents plaintiff in the above-referenced action. After this case was filed, defense counsel provided me with a Collective Bargaining Agreement (“CBA”), relevant to this matter.

The CBA provided by defense counsel, requires mandatory mediation of the claims in this action as set forth in the attached notice provided to defense counsel requesting such mediation. The CBA also provides that if a court action is filed before mediation, “the Employer shall not seek dismissal of the judicial action but may seek to have the action stayed pending the completion of the mediation provided for herein.” (CBA pg. 5 ¶ 4).

As such, it is respectfully requested that this action be stayed in light of Plaintiff’s notice and request for mediation pursuant to the parties CBA, including the deadline for Plaintiff to amend the complaint which would be unnecessary if the parties are able to settle in mediation. A copy of the request for mediation was provided to defense counsel and is also attached hereto.

I thank the Court in advance for its time and consideration.

Respectfully submitted,

Abdul Hassan Law Group, PLLC  
/s/ Abdul Hassan

By: Abdul K. Hassan, Esq. (AH6510) - *Counsel for Plaintiff*

**cc: Defense Counsel via ECF**

## Exhibit 1

**Abdul Hassan Law Group, PLLC**  
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**October 8, 2024**

**Via Email**

Mathew V. John, Jr.  
Counsel for Defendant NYC School Support Services, Inc.  
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**Re: Nieves v. NYC School Support Services, Inc.**  
**Case No. 24-CV-05783 (MKV)(SLC)**  
**Notice of Request for Mediation pursuant to CBA**

Dear Mr. John:

My firm represents plaintiff in the above-referenced action, and I write pursuant to the Collective Bargaining Agreement (“CBA”), you provided to my office after this case was filed. The CBA states in relevant part as follows (CBA page 4 ¶ 4):

Subject to the principles set forth below, the Employee and the Union agree that in the event that an Employee (on behalf of the Employee and/or others) asserts statutory wage and hour claim(s) against the Employer(s), including claims for unpaid minimum wages and/or overtime pay, prior to the filing of any such claim(s) in court, the Employer and Employee shall engage in mandatory mediation to attempt to narrow or resolve the claim(s).

The CBA further states in relevant part as follows (CBA pg. 4 Article 4 ¶ 1):

The Employee(s) must initiate mediation by written notice to the Employer, or the Employer must initiate mediation by written notice to the Employee(s) and Employee's counsel, as appropriate.

As such, on behalf of Plaintiff Jonathan Nieves, I hereby provide Defendant through you as its counsel, with this Notice of Request for Mediation as to the claims in this action, as per the CBA you provided to my office as set forth above.

Please let me know when you are available to work out the details of the mediation.

Yours truly,

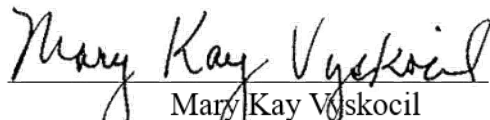
Abdul Hassan Law Group, PLLC



By: Abdul K. Hassan, Esq. (AH6510)  
*Counsel for Plaintiff*

**Plaintiff's request for a stay pending contractually bargained for mediation is DENIED. The Court is disinclined to order a stay in a case that has already been filed on its docket. Instead, the parties should agree to voluntarily dismiss without prejudice and stipulate to a bar on any statute of limitations claims. Any such stipulation is due to the Court on or before October 21, 2024. SO ORDERED.**

Date: 10/9/2024  
New York, New York



Mary Kay Vyskocil  
United States District Judge